

at any vestry or any other public meeting of such parish duly assembled, or subject to the consent, duly given, of any select vestry, it shall be lawful for the churchwardens and overseers of the poor of the several parishes within the limits of this Act, or the major part of them, and they are hereby authorized, to levy, raise, or apply any rates for the purposes of this Act; and out of the moneys so received thereby, or out of the moneys to be raised or received by any poor-rate made or to be made for the relief of the poor of every such parish respectively, or by any special rate to be made for the purpose of this Act, to pay, apply, and dispose of such sum of money as may be requisite for the ends aforesaid, in like manner as by law may be done for the maintenance and relief of the poor; and that on every such special rate which shall be so made, being allowed and confirmed in like manner as the rates made for the relief of the poor are or ought to be allowed and confirmed, and subject to the like appeal as in cases of rates made for the relief of the poor, it shall be lawful to levy and recover such rate in the same manner as the rates made for the relief of the poor now may or ought to be levied and recovered; and that the said churchwardens and overseers shall be accountable for the same, and be liable to the like fines and commitments for not accounting for the same, and to the like distress and penalties for not paying the money by them collected, levied, or received, and remaining in their hands, in like manner as overseers are accountable and liable in respect of moneys collected by virtue of any rates for the relief of the poor.

INSURANCES.—16. *Application of Money insured on Houses burned.*—And be it enacted, with regard to buildings which may hereafter be burned down, destroyed, or damaged by fire, so far as relates to the application of money insured thereon, that if any person having an interest in or entitled under any such building, request that such money be laid out in rebuilding or reinstating or repairing any such building, then on such request, it shall be lawful for the respective governors or directors of the several offices for insurance against loss by fire, where such buildings are insured, and they are hereby required, to cause the insurance money or such part thereof as may be requisite to be so laid out and expended; or if within sixty days after a claim shall be adjusted, the person claiming such insurance money do not give a sufficient security to the governors or directors of the insurance office where such buildings are insured, that such insurance money shall be laid out and expended as far as the same will go, towards rebuilding, reinstating or repairing such building; or if within the said period of sixty days the said insurance money be not settled and disposed of to and amongst all the persons interested, to the satisfaction and approbation of such governors or directors of such insurance office respectively, then it shall be lawful for the respective governors or directors of the several offices for insurance against loss by fire, where such buildings are insured, and they are hereby authorized, to cause the insurance money or such part thereof as may be requisite to be so laid out and expended.

FIRE INSURANCE.—NIGHTFIRE.—17. *Punishment of Persons negligently causing fire in the Metropolis.*—Penalty.—Imprisonment of offender.—And be it enacted, with regard to fires caused by negligence, so far as relates to the punishment of persons in fault, that if any person through negligence shall fire or cause to be fired any building within the limits of this Act, then, on being thereof lawfully convicted by the oath of one or more credible witnesses made before any two or more of her Majesty's justices of the peace, such person shall forfeit a sum not exceeding ten pounds unto the churchwardens and overseers of such parish where such fire shall happen; and that if at any time after such conviction the said churchwardens demand such penalty, and on such demand such person fail to pay the amount thereof, then it shall be lawful for any two or more of her Majesty's justices of the peace, by warrant under their hands and seals respectively, to commit such person to the common goal or house of correction, as the said justices shall think fit, for any time not exceeding three months.

OFFENCES GENERALLY.—18. *General Penalty.*—And be it enacted, with regard to

offences, so far as relates to the punishment of the offender in respect thereof, that if any person be guilty of any default in respect of the provisions of this Act, to which no penalty is hereinbefore affixed, then, on conviction thereof, the offending person shall be liable to forfeit for every such default a sum not exceeding twenty pounds.

19. Recovery of Penalties.—Appropriation thereof.—And be it enacted, with regard to every such penalty or forfeiture, so far as relates to recovery and the appropriation thereof, that at any time within three months after such penalty shall have been incurred, it shall be lawful for any party to proceed for the same; and that if such penalty be not otherwise specifically appropriated, then the person so proceeding shall be entitled to receive one-half of the amount thereof for his own benefit, and the other half shall go to the poor of the parish in which the subject-matter of the prosecution shall arise or be situated.

LOCAL PROCEEDINGS.—20. *Recovery of money under awards.*—Distress.—Imprisonment.—And be it enacted, with regard to every sum of money by this Act, or by any award or order directed to be paid in pursuance of this Act, so far as relates to the recovery of such sum of money, that it shall be lawful for the party claiming the same to proceed in a summary way before any two justices of the peace, or if the matter arise within the district of the metropolitan police, then before any police magistrate having jurisdiction within that district; and that, on proof of such sum of money being still due, it shall be lawful for such justices, or such police magistrate, and they respectively are hereby required, to issue a warrant under their hands and seals to levy the amount thereof, and also of the cost of the proceeding, to be levied by distress of the goods and chattels of the person in default; and if such person have no goods and chattels whereon to distress, or if such goods and chattels be insufficient for that purpose, then it shall be lawful for such justices or police magistrate, or for any other justice or police magistrate, to commit the person in default unto the amount of such sum so due, and of such costs, shall have been fully paid.

21. Prosecution of Offences.—Distress.—Imprisonment.—And be it enacted, with regard to all offences against the provisions of this Act for which no other proceeding is provided, so far as relates to the prosecution thereof, that it shall be lawful to proceed by complaint before any one justice of the peace; and that it shall be lawful for such justice to summon the party against whom such complaint shall be made; and that on conviction of the offender before two justices, or before any police magistrate, it shall be the duty of such justices or magistrate, and they are hereby required, to commit the person in default unto the amount of the penalty hereby imposed in respect of such offence, and of the costs of any such proceeding in respect of such offence, to be levied by distress of the goods and chattels of the offender; and that if such offender have no goods and chattels whereon to distress, or if they be insufficient for that purpose, then it shall be lawful for such justices or magistrate, or for any other justice or magistrate, and they are hereby empowered, either on failure of such distress, or in the first instance, to commit the offender to the common goal or house of correction, with or without hard labour, for a period not exceeding three months, or until he shall have paid the full amount of such penalty and costs.

22. Appeal to Quarter Sessions.—Proceedings.—And be it enacted, with regard to any conviction, order, or judgment of any justices of the peace made out of sessions by virtue of this Act, so far as relates to any appeal therefrom, that if any person be dissatisfied with the decision of such justices, and if, within two days after such decision, notice be given to the party appealed against, by or on behalf of such person, of the intention to appeal, and if he enter into a recognizance, with two sufficient securities, conditions to try such appeal, and to abide the order of the court, and to pay to the party appealed against such costs (if any) as shall be awarded against him, then it shall be lawful for such party so dissatisfied to appeal against such conviction, order, or judgment to the justices of the peace at their general quarter sessions of the peace to be holden

within four months after such conviction, order, or judgment; and that if within such period of two days such appellant shall have entered into a recognizance as hereinbefore required, then it shall be lawful for such justices, and they are hereby empowered, to proceed to hear and determine the matter of such appeal, and to award such costs to be paid by either of the said parties as they think proper; and the determination of the said justices, and their reasons shall be binding and conclusive upon all parties.

23. Removal of Orders, &c. into Superior Courts; Certiorari.—And be it enacted, with regard to every order which shall be made by virtue of or under this Act, and to any other proceeding to be had touching the conviction of any offender against this Act, that it shall not be lawful for any person to remove such order or other proceeding by certiorari (or suspension or advocacy in Scotland), or any other writ or process whatsoever, into any of her Majesty's superior Courts of Record; and every such order and other proceeding are hereby declared not to be so removable.

24. Distress of Churchwardens and Overseers.—And be it enacted, with regard to churchwardens and overseers, so far as relates to the levying by distress any penalty or other sum of money payable by them under this Act, that whenever any penalty, reward, or other payment is by this Act made recoverable from any churchwardens and overseers, the same shall be levied and recovered by distress and sale of the goods and chattels of such churchwardens and overseers, or any of them.

25. Informalities in Distress.—Action for Damage.—And be it enacted, with regard to any distress for any sum of money to be recovered by virtue of this Act, so far as relates to the remedying of any damage occasioned by any irregularity therein, or in reference thereto, that notwithstanding there be any defect of form in the proceedings relative to any such distress, neither the distress itself shall be deemed unlawful, nor shall the party making the same be deemed a trespasser ab initio; but that if any irregularity be committed by any party, then, subject to the conditions in this Act prescribed with regard to actions brought for any thing done in pursuance thereof, it shall be lawful for the person aggrieved by such irregularity, and he is hereby entitled, to recover full satisfaction for the special damage only; and that by action on the case, and not by any other action whatsoever.

26. Tender of Amends.—Payment of Compensation into Court.—And be it enacted, with regard to any action for any irregularity or other proceeding, so far as relates to the tender of amends or payment of money to the tenderer thereof, that if, before such action be brought, the party who committed or caused to be committed any such irregularity, or wrongful proceeding, make or cause to be made tender of sufficient amends, then the plaintiff shall not be entitled to recover in such action; and that although such tender shall not have been made, yet if, at any time before issue joined, the court in which such action shall be depending, or a judge or judges sitting in that court, then it shall be lawful for the defendant to pay into the court any sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs and the form of pleadings as in and are customary and in force in the said superior courts.

27. Regulation of actions against Persons acting under this Act.—Limitation of Action.—Notice of Action.—Pence in London.—Pence in Middlesex.—Pence in Evidence.—Fiduciary Costs.—And, for regulating proceedings against persons acting in pursuance of this Act; be it enacted, with regard to any action or suit against any person in respect of any act or thing done in pursuance of this Act, so far as relates to the limitation thereof, and to the notification thereof to the offending party, and to the venue thereof, and to the pleadings therein, and to the evidence of the matters thereof, as to the verdict therein, and to the judgment of the court thereon, and to the costs of such action, and to the recovery of such costs, that, after the expiration of six months next after the fact committed, it shall not be lawful to bring any such action or suit against any person in respect of any such act,